



WILLIAM T FUJIOKA
Chief Executive Officer

County of Los Angeles CHIEF EXECUTIVE OFFICE

Kenneth Hahn Hall of Administration
500 West Temple Street, Room 713, Los Angeles, California 90012
(213) 974-1101
<http://ceo.lacounty.gov>

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March 6, 2013

To: Supervisor Mark Ridley-Thomas, Chairman
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From: William T Fujioka
Chief Executive Officer

SACRAMENTO UPDATE - GUN CONTROL LEGISLATION

Executive Summary

This memorandum is to provide the Board a report on: 1) County advocacy efforts in Sacramento relating to gun control legislation; 2) efforts to identify and make recommendations on gun control legislation aimed at reducing gun violence in Los Angeles County; and 3) an overview of 30 bills of interest to the County recently introduced by the Legislature related to guns and gun control.

Overview

In response to the December 2012 shooting in Newtown, Connecticut, a number of State Legislators announced their intentions to pursue gun control legislation to address gun violence and accessibility of firearms and both houses have since introduced numerous measures. Additionally, on February 7, 2013, Senate Democrats, led by Senate President Pro-Tempore Darrell Steinberg, announced plans to consider a package of 10 bills to reduce gun violence by placing additional restrictions and prohibitions on certain firearms and further clarifying California's gun laws.

On January 8, 2013, the Board approved a motion by Supervisor Ridley-Thomas to, among other things, direct the Chief Executive Office (CEO) and the Countywide

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Criminal Justice Coordination Committee (CCJCC) to convene a task force to identify and recommend strategies aimed at reducing incidents of gun violence in Los Angeles County, including recommendations on the development of and revisions to existing firearms laws and regulations. The Board also directed the County's legislative advocates to notify the Board of proposed Federal and State legislation regarding the regulation of firearms and ammunition.

This report provides an update on the County's advocacy efforts in Sacramento related to gun control legislation; a report on efforts to identify and make recommendations on gun control legislation aimed at reducing gun violence in Los Angeles County; and an overview of 30 firearms-related bills of County interest introduced by the Legislature. In addition, this office will continue to provide ongoing reports on State and Federal gun control legislation and will keep the Board apprised of significant developments related to gun control of County interest.

A similar report addressing the County's advocacy efforts on Federal legislation is forthcoming.

County-Advocacy Legislation

As there is no existing Board-approved policy relating to gun control legislation, County advocacy in Sacramento will mostly be a matter of Board policy determination. Nonetheless, based on recent Board actions, this office and the Sacramento advocates are actively pursuing the following measures:

County-supported SB 53 (De León), which as introduced on December 20, 2012, would require anyone who purchases ammunition, beginning September 1, 2014, to hold an ammunition purchase permit and would authorize the California Department of Justice to issue ammunition purchase permits to applicants who are residents of the State, at least 18 years of age, not prohibited from acquiring or purchasing ammunition and who pay a specified fee. On January 22, 2013, the Board adopted a motion to direct the Sacramento advocates to support SB 53. SB 53 is currently pending hearing in the Senate Public Safety Committee.

County-supported SB 140 (Leno and Steinberg), which as amended on March 4, 2013, would appropriate \$24.0 million to the California Department of Justice from the Dealers' Record of Sale Special Account for the limited purpose of addressing the current Armed Prohibited Persons System backlog. On February 12, 2013, the Board adopted a motion to direct the Sacramento advocates to support SB 140. SB 140 is currently pending on the Senate Floor.

Recommendations on Gun Control Legislation

Pursuant to the January 8, 2013 Board motion, the CEO and CCJCC have convened a taskforce comprised of law enforcement, public health, mental health, and other public safety stakeholders to identify and recommend strategies aimed at reducing incidents of gun violence in Los Angeles County.

To date, the taskforce has met twice and developed a strategy for addressing the tasks set forth in the motion. Upcoming meetings will focus on specific issues and will include presentations made by experts in the field of gun violence policy. This office will participate in the taskforce meetings to provide feedback and technical assistance on potential legislative recommendations developed by the group for consideration by the Board.

Legislation of County Interest

Over 2,200 bills were introduced by the February 22, 2013 deadline and based on our initial review of gun control related legislation, we have identified the following 28 bills of significant interest to the County, including:

Ammunition

AB 48 (Skinner), which as introduced on December 20, 2012, would prohibit the manufacture, import, or sale of any device capable of converting an ammunition feeding device into a large-capacity magazine and to revise the definition of a large-capacity magazine to include an ammunition feeding device with capacity to accept more than 10 rounds. AB 48 is pending hearing in the Assembly Public Safety Committee.

AB 180 and AB 187 (Bonta), identical measures, which as introduced on January 24 and January 29 2013, would state the intent of the Legislature to enact legislation that would establish a tax on all ammunition sold in retail stores and gun shows and direct tax revenue to fund crime prevention programs in high-crime areas of the State. AB 180 and AB 187 are currently pending referral to committee.

AB 760 (Dickinson), which as introduced on February 21, 2013, would impose a tax upon retailers of ammunition at the rate of \$0.05 per item of ammunition sold on or after January 1, 2014. The bill would also impose an additional \$0.05 excise tax on the storage, use, or other consumption of ammunition purchased from a retailer for storage, use, or other consumption. Revenues collected would be allocated to the School-Based Early Mental Health Intervention and Prevention Services Matching Grant Program. AB 760 is currently pending referral to committee.

SB 396 (Hancock and Steinberg), which as introduced on February 20, 2013, would define that a magazine body must only be of sufficient length to accommodate no more than 10 rounds of ammunition and the internal working parts of the magazine, including, but not limited to, the follower and spring, and to make any person who possesses any large-capacity magazine, regardless of the date the magazine was acquired, punishable by imprisonment. SB 396 is currently pending referral to committee.

Assault Weapons

AB 170 (Bradford), which as introduced on January 24, 2013, would define a person as an individual and, on and after January 1, 2014, prohibit a partnership, corporation, limited liability company, association, or any other group or entity, regardless of how the entity was created, to be issued a permit to possess an assault weapon or a .50 BMG rifle. AB 170 is currently pending hearing in the Assembly Public Safety Committee.

SB 47 (Yee), which as amended on January 24, 2013, would revise the definition of an assault weapon prohibited under California law to mean a semiautomatic, centerfire rifle or a semiautomatic pistol that does not have a fixed magazine but any one of a series of attributes and to revise the definition of a fixed magazine. The bill would also exclude a person who owned an assault weapon prior to July 1, 2014 from criminal penalties and would require that any person who lawfully possessed an assault weapon from January 1, 2001 to December 31, 2013, to register the firearm. SB 47 is currently pending hearing in the Senate Public Safety Committee.

SB 374 (Steinberg, Hancock and Yee), which as introduced on February 20, 2013, would classify a semiautomatic, rimfire or centerfire rifle that does not have a fixed magazine with the capacity to accept 10 rounds or fewer as an assault weapon. This bill would also require a person who, between January 1, 2001, and prior to January 1, 2014, lawfully possessed an assault weapon that does not have a fixed magazine to register the firearm by July 1, 2014. SB 374 is currently pending referral to committee.

Gun Manufacturing, Sales and Transfer

AB 169 (Dickinson), which as introduced on January 24, 2013, would repeal exemptions related to the manufacturing, importing, selling, giving, or lending of unsafe handguns and to prohibit a person, exempted under various provisions, from selling or otherwise transferring the ownership of the handgun to a person who is not exempted under the same provision, unless the transaction is exempt from the requirement to complete the transaction through a licensed firearms dealer. AB 169 is currently pending hearing in the Assembly Public Safety Committee.

AB 740 (Alejo), which as introduced on February 21, 2013, would revise the definition of “infrequent” from less than six to less than five allowable firearm transfers per year that are exempt from certain provisions of law. The bill would also add misdemeanor offenses including interfering with a public official, peace officer, or emergency technician; possession of ammunition by a person prohibited from possessing firearms; supplying or giving possession or control of ammunition to a person prohibited from possessing firearms; to those misdemeanors that bar any person who has been convicted, within 10 years of the conviction, of owning or possessing any firearm. AB 740 is currently pending referral to committee.

SB 293 (DeSaulnier), which as introduced on February 14, 2013, would require, after a specified period as determined by the California Attorney General, handguns available for retail sale to be owner-authorized. The bill would define owner-authorized as having certain performance and safety standards that would only allow an individual to use the firearm if they are recognized by a recognition device and to disable the weapon if not handled by the authorized owner, among other attributes. SB 293 is currently pending referral to committee.

SB 683 (Block), which as introduced on February 22, 2013, would make technical, changes to existing law that prohibits a person from selling, leasing, or transferring firearms unless the person has been issued a firearms dealer license. SB 683 is currently pending referral to committee.

Gun Storage

SB 108 (Yee), which as introduced on January 14, 2013, would provide that a person who is 18 years of age or older and who is the owner, renter, or other legal occupant of a residence, shall not, while outside of that residence, keep in that residence a firearm that he or she owns or has lawful possession of, unless the firearm is stored in one of certain specified ways, including in a gun safe or by using a firearm safety device. SB 108 is currently pending hearing in the Senate Public Safety Committee.

SB 363 (Wright), which as introduced on February 20, 2013, would require every person who owns or possesses any firearms and resides with an individual who he or she knows, or has reason to know, is prohibited from owning or possessing a firearm to secure the firearms within a locked container, or with a locking device, or within a gun safe, and to store the firearms so that the individual may not gain access to the firearms. SB 363 is currently pending referral to committee.

Licenses, Waiting Period and Reporting

AB 500 (Ammiano), which as introduced on February 20, 2013, would require the California Department of Justice, if it has not completed the examination of its records within two days prior to the conclusion of the mandatory 10-day waiting period for purchase of a firearm, to notify the dealer of this fact, and would require the dealer of the firearm until seven days have elapsed after the notification is received by the dealer. The bill would also prohibit a person who is residing with someone who is prohibited by State or Federal law from possessing a firearm, from keeping a firearm at that residence unless the firearm is either kept within a locked container, locked gun safe, locked trunk, locked with a locking device, disabled by a firearm safety device, or carried on the person. AB 500 is currently pending referral to committee.

AB 538 (Pan), which as introduced on February 20, 2013, would require the California Department of Justice to update within five business days any change in information it maintains regarding firearms ownership. The bill would clarify various exceptions and exemptions to the sale, delivery, or transfer of a firearm; certain licensing requirements; information entered into Statewide databases regarding the destruction of weapons; and the information provided at time of sale or transfer of a firearm and other provisions. AB 538 is currently pending referral to committee.

AB 871 (Jones), which as introduced on February 22, 2013, would require the sheriff or head of a municipal police department to issue a license to carry a concealed firearm for good cause and if the applicant meets specific requirements. The bill would also specify that good cause includes personal protection or self-defense. AB 871 is currently pending referral to committee.

AB 1020 (Bonta), which as introduced on February 22, 2013, would require the Attorney General to send a letter during the mandatory 10-day waiting period for purchase of a firearm to each individual who has applied to purchase a firearm informing him or her of firearms laws related to gun trafficking and safe storage. AB 1020 is currently pending referral to committee.

SB 299 (DeSaulnier), which as introduced on February 15, 2013, would require an individual to report the theft or loss of a firearm he or she owns to a local law enforcement agency in the jurisdiction in which the theft or loss occurred within 48 hours of the time he or she knew or reasonably should have known that the firearm had been lost or stolen. This bill also would require every person who has reported a firearm lost or stolen to notify the local law enforcement agency within 48 hours if the firearm is subsequently recovered. The bill would also impose additional requirements related to

the reporting of lost or stolen firearms. SB 299 is currently pending referral to committee.

Prohibited Persons

AB 539 (Pan), which as introduced on February 20, 2013, would allow anyone who is prohibited from owning or possessing a firearm to transfer any firearm or firearms in his or her possession to a licensed firearms dealer for the duration of the prohibition, if the prohibition on owning or possessing the firearm will expire on a date specified by court order. AB 539 is currently pending referral to committee.

SB 127 (Gaines), which as introduced on January 22, 2013, would prohibit persons adjudicated to be a danger as a result of a mental disorder or mental illness, or who have been adjudicated to be a mentally disordered sex offender after January 1, 2014, from receiving or possessing any firearm or any other deadly weapon and remove the authority of a court to issue a certificate for that person to possess a firearm or any other deadly weapon. SB 127 is currently pending hearing in the Senate Public Safety Committee.

SB 755 (Wolk), which as introduced on February 22, 2013, would add misdemeanor offenses to those misdemeanors that bar any person who has been convicted, within 10 years of the conviction, of owning or possessing any firearm. The bill would also make it a felony for any person to own or possess a firearm if the person has been convicted of two or more crimes within a 3-year period and was found to have been under the influence of drugs or alcohol during the commission of the crimes, if the person has been convicted of possessing any controlled substance for sale, or if the person has violated any protective order that was issued due to a threat of violence. The bill would prohibit a person who has been ordered by a court to obtain assisted outpatient treatment from purchasing or possessing any firearm or other deadly weapon while subject to assisted outpatient treatment. SB 755 is currently pending referral to committee.

Other Gun Related Legislation of County Interest

AB 174 (Bonta), which as introduced on January 24, 2013, would declare the intent of the Legislature to amend the bill to include provisions that would end all exemptions to the prohibitions against possessing specified firearms. AB 174 is currently pending referral to committee.

AB 202 (Donnelly), which as introduced on January 29, 2013, would establish the School Marshal Program and authorize school districts, county offices of education, and

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charter schools to use general purpose funds to provide training to a school marshal. The bill would define a school marshal as a school employee who, in accordance with the Gun-Free School Zone Act of 1995 and pursuant to locally adopted policies, is authorized to possess a firearm at a school site or designated school activities. AB 202 is currently pending hearing in the Assembly Education and Judiciary Committees.

AB 232 (Ting), which as introduced on February 5, 2013, would state the intent of the Legislature to enact legislation that would create the California Gun Buyback Incentive Program, which would authorize a personal income tax credit for persons who voluntarily surrender a firearm or large capacity magazine to a local government entity that is conducting a gun buyback program. AB 232 is currently pending referral to committee.

AB 761 (Dickenson), which as introduced on February 21, 2013, would prohibit the Public Employees' Retirement System and the California State Teachers' Retirement System from investing public employee retirement funds in a company with business operations that are described as the manufacture, sale, marketing, or distribution of firearms or ammunition. The bill would require the Board of Administration of the Public Employees' Retirement System and the Teachers' Retirement Board of the State Teachers' Retirement System to sell or transfer any investments in a company with these business operations. AB 761 is currently pending referral to committee.

AB 1084 (Melendez), which as introduced on February 22, 2013, would increase the penalties and sentences for violation of prohibitions on possessing, brandishing or discharging a firearm in school zones, and near playgrounds and youth centers. The bill would also increase the penalties and sentences for violation of additional firearms-related crimes. AB 1084 is currently pending referral to committee.

SB 567 (Jackson), which as introduced on February 22, 2013, would revise the definition of a shotgun to delete the requirement that it be intended to be fired from the shoulder, and would clarify that the projectile may be fired through either a rifled bore or a smooth bore. SB 567 is currently pending referral to committee.

We will continue to keep you advised.

WTF:RA
MR:KA:ma

c: All Department Heads
Legislative Strategist